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CENTRAL FAX CENTERApplication No.: 10/696,088  
Docket No.: FA1062USNA

AUG 17 2006

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**REMARKS*****Status of the Application***

Claims 1-23 and 25-27 are pending in the application. Claims 1-23 and 25-27 stand rejected under 35 U.S.C. §102(b), 35 U.S.C. §103(a), or both in the alternative. In addition, claims 25 and 26 are subject to a provisional nonstatutory double patenting rejection.

**Claim Amendments**

Claims 1, 11, 17 and 25 are being amended to advance the prosecution along with this request for continued examination. Claims 1 and 25 are amended to recite that the coating comprises a crosslinkable agent "consisting of" the listed elements and that the amorphous silica is "hydrophobic". These amendments are supported in the disclosure at page 4, lines 11-31 and page 11, lines 18-19. Claim 11 is being amended to specify that the crosslinking component "consists of one or more polyisocyanates, one or more melamines, or a combination thereof." Please see the disclosure at page 7, in particular, lines 1-3. Claim 17 is being amended to state that the crosslinkable component "further consists of" one or more reactive oligomers. Please see page 10, lines 27-33 of the disclosure.

Applicants respectfully submit that no new matter has been introduced into the amended claims.

***Claim Rejections***

In the Office Action mailed October 7, 2005, claims 1-16, 18, 19, 21-26 were rejected under 35 U.S.C. § 102(b) and claims 12, 17, 20, 24 were rejected under 35 U.S.C. § 103(a) citing several references. Claims 25 and 26 were subject to a provisional nonstatutory double patenting rejection. In their response of April 7, 2006 Applicants confirmed that the co-pending application on which the double patenting rejection was based was assigned to the same entity as this application.

The Office Action of May 17, 2006 maintained the foregoing rejections. Applicants respectfully submit that the foregoing amendments overcome these rejections and place the application in condition for allowance. The following remarks address the *Response to Arguments* portion of the May 17, 2006 Office Action, paragraph 3, pages 2-4.

**Barsotti**

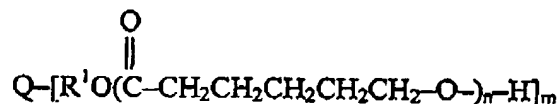
The crosslinkable component has been limited with the "consisting of" language in claims 1, 11, 17 and 25 so that neither the crosslinkable component nor the crosslinking component may contain a glycol. Moreover, the polyol recited in Table 7 and Examples 1, 2 and 3 is not PEG. The materials used were low molecular weight acrylics and polyesters, not

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a polyether like PEG. One such material is a polyester made from caprolactone, and has the following formula:



This polyester is disclosed in U.S. Patent No. 5,159,047. Please see also U.S. Patent No. 5,286,782 and No. 5,354,797. Barsotti requires PEG along with *hydrophilic* silica as a rheology control additive. Please see Col. 2, lines 54-58. In the present disclosure and claims, a key feature is the combination of acid functional acrylic copolymer and hydrophobic amorphous fumed silica. This provides desirable features for the coating and also gives the necessary rheology control. Additionally, it should be noted that it is not practical to combine PEG with hydrophobic silica in a coating composition since PEG is hydrophilic.

#### Bederke

Bederke discloses a lacquer based coating composition that does not disclose or teach the combination of acid functional acrylic copolymer and hydrophobic silica. Nor is the present coating lacquer based.

#### Briggs

As the Examiner indicated, Briggs et al. required epoxy and anhydride in their coating as well as amine catalysis for the base coat. Col. 8, lines 10-30 indicate that the amine is required to catalyze the base coat. See also Examples 1-4, Col. 8, lines 34-65.

Briggs et al. state their reliance, in Col. 3, lines 62-65, on amine in base coats in combination with acid- or anhydride-epoxy clear coats to provide their recited unexpected advantages such as improved chip resistance. The limiting language of the amended claims removes any possibility of amine-epoxy-anhydride combinations in the binder or crosslinker.

#### Conclusion

Applicants respectfully submit that the claim amendments and the distinguishing observations concerning the references overcome the rejections maintained in the final Office Action. Since the "consisting essentially of" wording has been changed to "consisting of" Applicants respectfully submit that declaration evidence called for in the final Office Action is not now necessary.

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In view of the foregoing, allowance of the pending claims is respectfully requested.

Respectfully submitted,



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